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18 Attorneys for Plaintiffs  
CORY SPENCER, DIANA MILENA  
19 REED, and COASTAL PROTECTION  
RANGERS, INC.  
20

21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
23

24 CORY SPENCER, an individual;  
25 DIANA MILENA REED, an  
individual; and COASTAL  
26 PROTECTION RANGERS, INC., a  
27 California non-profit public benefit  
corporation,  
28

CASE NO. 2:16-cv-02129-SJO (RAOx)  
**PLAINTIFFS CORY SPENCER,  
DIANA MILENA REED, AND THE  
COASTAL PROTECTION  
RANGERS, INC.'S SEPARATE  
STATEMENT OF UNDISPUTED  
FACTS IN SUPPORT OF MOTION  
FOR CLASS CERTIFICATION**

1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10,

13 Defendants.

Date: February 21, 2017  
Time: 10:00 a.m.  
Judge: Honorable S. James Otero  
Ct. No.: 10C  
1st Street Courthouse

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

15 In accordance with this Court's Initial Standing Order, Plaintiffs Cory  
16 Spencer, Diana Milena Reed, and the Coastal Protection Rangers, Inc.  
17 ("Plaintiffs") respectfully submit this Statement of Undisputed Facts in  
18 support of their Motion for Class Certification.

	<b><u>Undisputed Fact</u></b>	<b><u>Supporting Evidence</u></b>
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20	1. Lunada Bay is owned by the	Decl. Otten, Exs. 16 at 106:22-107:5 &
21	City of Palos Verdes Estates	at 21:18-24.
22	and is a public beach.	
23	2. The City of Palos Verdes	Decls. P. Neushal, ¶ 7; Akhavan, ¶ 15;
24	Estates was designed as a	Otten, Ex. 22; Slatten, ¶ 9.
25	master planned community in	
26	1923, with covenants intended	
27	to maintain property values and	
28	to keep it exclusive and this	
	remains true today.	
	3. The City of Palos Verdes	2010 U.S. Census data, available at:
	Estates is home to about	<a href="http://www.census.gov/2010census/p">http://www.census.gov/2010census/p</a>

1		14,000 people.	opmap/ipmtext.php?fl=06:0655380
2	4.	The City of Palos Verdes Estates has its own police department.	Decl. Otten, Ex. 1 at 121:5-6.
3			
4	5.	Lunada Bay is a unique, world-class surfing site, and offers many recreational opportunities.	Decls. P. Neushul, ¶¶ 13, 17; King, ¶¶ 15-17.
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7	6.	For more than 40 years, Lunada Bay has had a reputation for being localized, meaning visitors faced harassment by the Lunada Bay Boys if they attempted to surf or recreate in Lunada Bay.	Decls. P. Neushul, ¶¶ 14, 17; Sisson, ¶ 4; Will, ¶ 4; Claypool, ¶ 3; Carpenter, ¶ 5.
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12	7.	Fewer than 100 surfers regularly recreate at Lunada Bay.	Decl. King, ¶ 10.
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15	8.	Individual Defendants are members of the Lunada Bay Boys and recreate at Lunada Bay.	Decls. Reed, Exs. 5, 6; Otten, Exs. 3-9; Spencer, ¶¶ 12-14; Taloa, ¶¶ 18, 20; S. Neushul, ¶¶ 9, 11; Pastor, ¶ 5; Jongeward, ¶ 8; Wright, ¶¶ 9, 11, 12, 18; Young, ¶¶ 7-8; K. Claypool, ¶¶ 5, 9, 13, 23-24; MacHarg, ¶¶ 6-7; Will, ¶ 8; Carpenter, ¶ 8; Slatten, ¶ 9; Hagins, ¶ 15 & Ex. 6.
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20	9.	The Lunada Bay Boys, including the Individual Defendants, conspire to exclude visitors through harassment, intimidation, violence, vandalism, and threats.	Decls. Otten, Exs. 3-7, 9, 17, 18, 19, 1 at 70-74, 77-79, 194:13-195:13; Hagins Ex. 6; Reed, ¶¶ 8-9, 19-21 & Exs. 5, 6; Spencer, ¶¶ 10-11, 21-22; K. Claypool, ¶¶ 6, 18, 25, 28; Taloa, ¶¶ 19-20; Reed ¶ 8; Bacon, ¶¶ 4-5, 7; Gero, ¶¶ 6, 9-11; Innis, ¶ 4; Jongeward, ¶¶ 4, 6; Carpenter, ¶ 9; Young, ¶¶ 6, 11; Pastor ¶¶ 4, 8; Wright, ¶¶ 8, 18; Will, ¶ 7; Akhavan, ¶¶ 9, 12; C. Claypool, ¶ 12; Conn, ¶ 7; S. Neushul, ¶ 8; Gersch, ¶ 5; Krell ¶¶ 2-4.
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1	10.	Because of the Bay Boys' unlawful behavior, visitors have been excluded from enjoying Lunada Bay since the 1970s.	Decls. P. Neushul, ¶¶ 18-19; Jongeward, ¶ 10; Perez, ¶ 8; Wright, ¶ 16.; Innis, ¶ 7; Sisson, ¶ 9; Lanning, ¶ 4; Conn, ¶ 5; S. Neushul, ¶ 15; King, ¶¶ 11, 17; Gersch, ¶ 9.
2	11.	There are more than 1,000,000 surfers in Southern California.	Decl. King, ¶ 8.
3	12.	If it were not for the Lunada Bay Boys and their conspiracy to exclude visitors, it is expected that thousands of surfers and other beachgoers could recreate in Lunada Bay.	Decl. King, ¶ 17-19.
4	13.	Plaintiffs Cory Spencer, Diana Milena Reed, and members of the Coastal Protection Rangers have been harassed at Lunada Bay by the Lunada Bay Boys.	Decls. Spencer, ¶ 11-13, 16, 17, 21-23; Reed, ¶¶ 7-9, 11-14, 18-19, 21, 22, 24
5	14.	The Coastal Protection Rangers, Inc. is a nonprofit dedicated to ensuring beach access for the public and environmental justice. CPR believes all visitors should be able to visit Lunada Bay without fear of attack or vandalism.	Decl. Slatten, ¶¶ 6, 10, 12.
6	15.	The City and Chief Kepley are complicit in the Bay Boys' unlawful exclusion.	Decls. Reed, ¶¶ 11-14, 13, 27-31; Otten, Exs. 1 at 42-43, 61:16-19, 62-65, 86:4-87:1, 10, 12, 13, 14, 15 at 15:9-13, 243-244, 16 at 139-141, 17& 20; Sisson, ¶ 8; Young, ¶ 12; Conn, ¶ 8; Innis, ¶ 6; Bacon, ¶ 10; Carpenter, ¶ 15; Gero, ¶ 12; Wright, ¶ 22; Pastor, ¶ 6; Spencer, ¶ 24; MacHarg, Ex. 1; Gersch, ¶¶ 7-8; Carpenter, ¶ 15; Will, ¶ 9; Krell, ¶ 5-6, 8.
7	16.	Plaintiffs suffer the same incidental monetary damages	Decl. King, ¶ 19.

1	as the class, which can be	
2	calculated on a non-	
3	individualized basis.	
4	17. Plaintiffs' counsel have	Decls. Franklin, ¶¶ 2-5, 7; Otten, ¶ 1.
5	substantial experience litigating	
6	complex class actions, subject-	
7	matter expertise, and have the	
	resources necessary to pursue	
	this case.	

8  
9 DATED: December 29, 2016

HANSON BRIDGETT LLP

11 By: /s/ Kurt A. Franklin

12 KURT A. FRANKLIN

13 Attorneys for Plaintiffs

14 CORY SPENCER, DIANA MILENA

15 REED, and COASTAL PROTECTION

16 RANGERS, INC.